

Senate Bill No. 364

CHAPTER 789

An act to amend Sections 144, 473.1, 473.2, 473.3, 2001, 2020, 2099.5, 2153.5, 2220.1, 2531, 3010.1, 3014.6, 6732, 6732.3, 6732.4, and 7153.1 of, and to add Chapter 2 (commencing with Section 474) to, and to add a chapter heading to, Division 1.2 of, the Business and Professions Code, to amend Section 94990 of, and to add Sections 94779.1, 94779.3, and 94779.4 to, the Education Code, to amend Section 9148.8 of, to add Article 8.5 (commencing with Section 9148.50) to Chapter 1.5 of Part 1 of Division 2 of Title 2 of, and to repeal Section 9148.10 of, the Government Code, and to amend Section 1095 of the Unemployment Insurance Code, relating to professions and vocations.

[Approved by Governor October 10, 2003. Filed
with Secretary of State October 11, 2003.]

LEGISLATIVE COUNSEL'S DIGEST

SB 364, Figueroa. Licensing boards.

(1) Existing law requires specified boards, commissions, and bureaus in the Department of Consumer Affairs to obtain fingerprint cards from applicants applying for licensure so that they may obtain and receive, at their discretion, criminal history information on the applicant from the Department of Justice and the United States Federal Bureau of Investigation. Effective January 1, 2004, existing law also requires that an applicant for registration as a home improvement salesperson furnish a full set of fingerprints to the Contractors' State License Board.

This bill would add the Contractors' State License Board, the Structural Pest Control Board, and the Bureau of Naturopathic Medicine to this list. The bill would also delay until July 1, 2004, the requirement that an applicant for registration as a home improvement salesperson furnish a full set of fingerprints to the Contractors' State License Board.

(2) Existing law establishes the Joint Sunset Review Committee and requires the committee to hold public hearings and evaluate whether a board or regulatory program has demonstrated a need for its continued existence.

This bill would, commencing in 2003 and every 4 years thereafter, require the committee to hold a hearing and receive testimony from the Director of the Department of Consumer Affairs and the Bureau of Automotive Repair concerning the continued public need of continuing the regulatory program of the bureau.

(3) Existing law provides for the operational review by the Joint Legislative Budget Committee of certain state boards whose members are appointed by the Governor or the Legislature.

This bill would repeal those provisions and would, instead, provide for a review of these boards by the Joint Legislative Sunset Review Committee in a similar manner as that committee currently reviews boards and commissions in the Department of Consumer Affairs. The bill would require the affected boards and entities to prepare and submit an analysis and report to the Joint Legislative Sunset Review Committee not later than 22 months before the board is scheduled to be reviewed.

(4) Existing law provides that the Committee on Rules of either house may direct the Joint Legislative Budget Committee to evaluate the creation of a new state board.

This bill would transfer these duties and responsibilities to the Joint Legislative Sunset Review Committee.

(5) Existing law, the Medical Practice Act, creates the Medical Board of California within the Department of Consumer Affairs. Existing law authorizes the board to employ an executive director. Existing law requires the executive director to appoint a Medical Board of California Enforcement Program Monitor who is required to submit specified reports to the board, the department, and to the Legislature. Under existing law, the act's provision creating the board and authorizing it to employ individuals becomes inoperative on July 1, 2005, and are repealed on January 1, 2006.

This bill would extend the dates on which the provisions creating the board and authorizing board employees become inoperative and are repealed to July 1, 2006, and January 1, 2007, respectively. The bill would change the reporting dates for the program monitor to submit reports.

(6) Existing law, the Osteopathic Act, establishes the Osteopathic Medical Board of California. Under existing law, the board is authorized to issue an originating or reciprocal osteopathic physician and surgeon's certificate to an applicant who satisfies specified criteria, including successfully completing an oral, clinical, and practical examination administered by the board.

This bill would delete the requirement to complete an oral, clinical, and practical examination as a prerequisite for these types of licensure.

(7) Existing law, the Speech-Language Pathologists and Audiologists Licensure Act, provides for the licensure of speech-language pathologists by the Speech-Language Pathology and Audiology Board. Under existing law, the board becomes inoperative on July 1, 2005.

This bill would extend this board to July 1, 2006.



(8) Existing law, the Professional Engineers Act, provides for licensing and regulation of professional engineers and land surveyors by the Board for Professional Engineers and Land Surveyors. The act prohibits any person other than a licensed professional engineer from using the title “professional engineer” and certain other similar titles, including the branch titles “corrosion engineer,” “manufacturing engineer,” “quality engineer,” and “safety engineer.”

This bill would delete the title “manufacturing engineer” from the list of prohibited titles. The bill would authorize persons registered in this branch or completing the examination process for this branch prior to January 1, 2004, to continue to use this branch title. The bill would prohibit the board from administering any examination for this branch title on or after January 1, 2004.

(9) Existing law authorizes the Director of the Employment Development Department to permit the use of information in his or her possession for specified purposes.

This bill would additionally authorize the director to release information to the Division of Investigations in the Department of Consumer Affairs to verify the employment history of an individual for investigative purposes concerning a crime or unlawful act.

(10) Existing law establishes the Bureau for Private Postsecondary and Vocational Education in the Department of Consumer Affairs to administer and enforce specified provisions concerning private postsecondary and vocational educational institutions.

This bill would require the bureau to work together with the staff of the Joint Legislative Sunset Review Committee and other specified entities to streamline its provisions regarding private postsecondary and vocational educational institutions and to determine what changes are advisable to improve the effectiveness of the state’s regulation of private postsecondary and vocational education. The bill would require the bureau to expand its outreach program for current and prospective students, including high school students, on how best to select schools, how to enter into contracts and student enrollment agreements, as specified, and how to best protect themselves in the postsecondary and vocational education marketplace. The bill would require the bureau to report to the Director of Consumer Affairs and the Joint Legislative Sunset Review Committee by October 1, 2004, on, among other things, the costs of meeting its statutory obligations, the staffing necessary to meet these obligations, and whether the current fee structure allows for collection of revenue sufficient to support necessary staffing. The bill would require the bureau to report to the Legislature, by October 1, 2003, on its progress regarding corrective actions taken to resolve audit



deficiencies found in specified audits. The bill would make other related changes.

(11) Existing law provides for the licensing and regulation of the practice of optometry by the State Board of Optometry and authorizes the board to employ an executive officer. The board and the executive officer will be terminated on July 1, 2005.

This bill would extend the termination date of the board and the executive officer to January 1, 2007.

The people of the State of California do enact as follows:

SECTION 1. Section 144 of the Business and Professions Code is amended to read:

144. (a) Notwithstanding any other provision of law, an agency designated in subdivision (b) shall require an applicant to furnish to the agency a full set of fingerprints for purposes of conducting criminal history record checks. Any agency designated in subdivision (b) may obtain and receive, at its discretion, criminal history information from the Department of Justice and the United States Federal Bureau of Investigation.

(b) Subdivision (a) applies to the following boards or committees:

- (1) California Board of Accountancy.
- (2) State Athletic Commission.
- (3) Board of Behavioral Sciences.
- (4) Court Reporters Board of California.
- (5) State Board of Guide Dogs for the Blind.
- (6) California State Board of Pharmacy.
- (7) Board of Registered Nursing.
- (8) Veterinary Medical Board.
- (9) Registered Veterinary Technician Committee.
- (10) Board of Vocational Nursing and Psychiatric Technicians.
- (11) Respiratory Care Board of California.
- (12) Hearing Aid Dispensers Advisory Commission.
- (13) Physical Therapy Board of California.
- (14) Physician Assistant Committee of the Medical Board of California.
- (15) Speech-Language Pathology and Audiology Board.
- (16) Medical Board of California.
- (17) State Board of Optometry.
- (18) Acupuncture Board.
- (19) Cemetery and Funeral Bureau.
- (20) Bureau of Security and Investigative Services.
- (21) Division of Investigation.



- (22) Board of Psychology.
- (23) The California Board of Occupational Therapy.
- (24) Structural Pest Control Board.
- (25) Contractors' State License Board.
- (26) Bureau of Naturopathic Medicine.

(c) The provisions of paragraphs (24) and (25) of subdivision (b) shall become operative on July 1, 2004.

SEC. 2. A chapter heading is added to Division 1.2 of the Business and Professions Code, immediately preceding Section 473, to read:

CHAPTER 1. REVIEW OF BOARDS UNDER THE DEPARTMENT OF
CONSUMER AFFAIRS

SEC. 3. Section 473.1 of the Business and Professions Code is amended to read:

473.1. This chapter shall apply to all of the following:

(a) Every board, as defined in Section 22, that is scheduled to become inoperative and to be repealed on a specified date as provided by the specific act relating to the board.

(b) The Bureau for Postsecondary and Vocational Education. For purposes of this chapter, "board" includes the bureau.

(c) The Cemetery and Funeral Bureau.

SEC. 4. Section 473.2 of the Business and Professions Code is amended to read:

473.2. All boards to which this chapter applies shall, with the assistance of the Department of Consumer Affairs, prepare an analysis and submit a report to the Joint Legislative Sunset Review Committee no later than 22 months before that board shall become inoperative. The analysis and report shall include, at a minimum, all of the following:

(a) A comprehensive statement of the board's mission, goals, objectives and legal jurisdiction in protecting the health, safety, and welfare of the public.

(b) The board's enforcement priorities, complaint and enforcement data, budget expenditures with average- and median-costs per case, and case aging data specific to post and preaccusation cases at the Attorney General's office.

(c) The board's fund conditions, sources of revenues, and expenditure categories for the last four fiscal years by program component.

(d) The board's description of its licensing process including the time and costs required to implement and administer its licensing examination, ownership of the license examination, relevancy and validity of the licensing examination, and passage rate and areas of examination.



(e) The board's initiation of legislative efforts, budget change proposals, and other initiatives it has taken to improve its legislative mandate.

SEC. 5. Section 473.3 of the Business and Professions Code is amended to read:

473.3. (a) Prior to the termination, continuation, or reestablishment of any board or any of the board's functions, the Joint Legislative Sunset Review Committee shall, during the interim recess preceding the date upon which a board becomes inoperative, hold public hearings to receive testimony from the Director of Consumer Affairs, the board involved, and the public and regulated industry. In that hearing, each board shall have the burden of demonstrating a compelling public need for the continued existence of the board or regulatory program, and that its licensing function is the least restrictive regulation consistent with the public health, safety, and welfare.

(b) In addition to subdivision (a), in 2002 and every four years thereafter, the committee, in cooperation with the California Postsecondary Education Commission, shall hold a public hearing to receive testimony from the Director of Consumer Affairs, the Bureau for Private Postsecondary and Vocational Education, private postsecondary educational institutions regulated by the bureau, and students of those institutions. In those hearings, the bureau shall have the burden of demonstrating a compelling public need for the continued existence of the bureau and its regulatory program, and that its function is the least restrictive regulation consistent with the public health, safety, and welfare.

(c) The committee, in cooperation with the California Postsecondary Education Commission, shall evaluate and review the effectiveness and efficiency of the Bureau for Private Postsecondary and Vocational Education, based on factors and minimum standards of performance that are specified in Section 473.4. The committee shall report its findings and recommendations as specified in Section 473.5. The bureau shall prepare an analysis and submit a report to the committee as specified in Section 473.2.

(d) In addition to subdivision (a), in 2003 and every four years thereafter, the committee shall hold a public hearing to receive testimony from the Director of Consumer Affairs and the Bureau of Automotive Repair. In those hearings, the bureau shall have the burden of demonstrating a compelling public need for the continued existence of the bureau and its regulatory program, and that its function is the least restrictive regulation consistent with the public health, safety, and welfare.



(e) The committee shall evaluate and review the effectiveness and efficiency of the Bureau of Automotive Repair based on factors and minimum standards of performance that are specified in Section 473.4. The committee shall report its findings and recommendations as specified in Section 473.5. The bureau shall prepare an analysis and submit a report to the committee as specified in Section 473.2.

SEC. 6. Chapter 2 (commencing with Section 474) is added to Division 1.2 of the Business and Professions Code, to read:

CHAPTER 2. REVIEW OF OTHER STATE BOARDS

474. The Joint Legislative Sunset Review Committee established pursuant to Section 473 shall review all state boards as defined in Section 9148.2 of the Government Code, other than boards subject to review pursuant to Chapter 1 (commencing with Section 473), every four years or over another time period as determined by the committee.

474.1. Prior to recommending the termination, continuation, or reestablishment of any board or any of the state board's functions, the Joint Legislative Sunset Review Committee shall hold public hearings to receive testimony from the board involved and the public. In that hearing, each board shall have the burden of demonstrating a compelling public need for the continued existence of the board.

474.2. All state boards to which this chapter applies shall prepare an analysis and submit a report to the Joint Legislative Sunset Review Committee not later than 22 months before that state board is scheduled to be reviewed by the committee. The analysis and report shall include, at a minimum, all of the following:

(a) A comprehensive statement of the state board's mission, goals, objectives, and legal jurisdiction in protecting the health, safety, and welfare of the public.

(b) The board's fund conditions, sources of revenues, and expenditure categories for the last four fiscal years by program component.

(c) The board's initiation of legislative efforts, budget change proposals, and other initiatives it has taken to improve its legislative mandate.

(d) A complete cost-benefit analysis of the board's operation for each of the four years preceding the date of the report or over a time period specified by the committee.

474.3. (a) The Joint Legislative Sunset Review Committee shall evaluate and determine whether a state board as defined in Section 9148.2 of the Government Code, other than a board, subject to review pursuant to Chapter 1 (commencing with Section 473), has

demonstrated a public need for its continued existence based on, but not limited to, the following factors and minimum standards of performance:

(1) Whether the board is necessary to protect the public health, safety, and welfare.

(2) Whether the basis or facts that necessitated the initial creation of the state board have changed.

(3) If the state board is necessary, whether existing statutes and regulations establish the most effective regulation consistent with the public interest, considering other available regulatory mechanisms, and whether the board rules enhance the public interest and are within the scope of legislative intent.

(4) Whether the state board operates and enforces its responsibilities in the public interest and whether its mission is impeded or enhanced by existing statutes, regulations, policies, practices, or any other circumstances, including budgetary, resource, and personnel matters.

(5) Whether an analysis of the state board indicates that it performs its statutory duties efficiently and effectively.

(6) Whether the composition of the state board adequately represents the public interest and whether it encourages public participation in its decisions rather than participation only by the entities it regulates or advises.

(7) Whether the state board and its laws or regulations stimulate or restrict competition, and the extent of the economic impact the board's regulatory practices have on the state's business and technological growth.

(8) Whether administrative and statutory changes are necessary to improve the state board operations to enhance the public interest.

(b) The Joint Legislative Sunset Review Committee shall consider the appropriateness of eliminating and consolidating responsibilities between state boards.

(c) Nothing in this section precludes any state board or, if requested by the Joint Legislative Sunset Review Committee, the Legislative Analyst's Office, from submitting other appropriate information to the Joint Legislative Sunset Review Committee.

474.4. The Joint Legislative Sunset Review Committee shall meet to vote on final recommendations. A final report shall be completed by the committee and made available to the public and the Legislature. The report shall include final recommendations of the committee and whether each board or function shall be terminated, or continued, and whether its functions should be revised or consolidated with those of other state boards. If the committee deems it advisable, the report may include proposed bills to carry out its recommendations.



SEC. 7. Section 2001 of the Business and Professions Code is amended to read:

2001. There is in the Department of Consumer Affairs a Medical Board of California that consists of 21 members, nine of whom shall be public members.

The Governor shall appoint 19 members to the board, subject to confirmation by the Senate, seven of whom shall be public members. The Senate Rules Committee and the Speaker of the Assembly shall each appoint a public member, and their initial appointment shall be made to fill, respectively, the first and second public member vacancies that occur on or after January 1, 1983.

This section shall become inoperative on July 1, 2006, and, as of January 1, 2007, is repealed, unless a later enacted statute, which becomes effective on or before January 1, 2007, deletes or extends the dates on which it becomes inoperative and is repealed. The repeal of this section renders the board subject to the review required by Division 1.2 (commencing with Section 473).

SEC. 8. Section 2020 of the Business and Professions Code is amended to read:

2020. The board may employ an executive director exempt from the provisions of the Civil Service Act and may also employ investigators, legal counsel, medical consultants, and other assistance as it may deem necessary to carry into effect this chapter. The board may fix the compensation to be paid for services subject to the provisions of applicable state laws and regulations and may incur other expenses as it may deem necessary. Investigators employed by the board shall be provided special training in investigating medical practice activities.

The Attorney General shall act as legal counsel for the board for any judicial and administrative proceedings and his or her services shall be a charge against it.

This section shall become inoperative on July 1, 2006, and, as of January 1, 2007, is repealed, unless a later enacted statute, which becomes effective on or before January 1, 2007, deletes or extends the dates on which it becomes inoperative and is repealed.

SEC. 9. Section 2099.5 of the Business and Professions Code is amended to read:

2099.5. Notwithstanding any other provision of law, an originating license for an osteopathic physician's and surgeon's certificate issued by the Osteopathic Medical Board of California shall require a written examination that is either prepared or selected by the Osteopathic Medical Board of California. The written examination shall include osteopathic principles and practices and all applicable provisions of Article 4 (commencing with Section 2080). An applicant shall



successfully complete the written examination, as determined by the board.

SEC. 10. Section 2153.5 of the Business and Professions Code is amended to read:

2153.5. Notwithstanding any other provisions of law, the Osteopathic Medical Board of California shall issue an osteopathic physician's and surgeon's certificate on reciprocity to an applicant providing he or she meets the following requirements:

(a) The applicant holds an unlimited license to engage in the practice of osteopathic medicine in another state whose written licensing examination is recognized and approved by the board to be equivalent in content to that administered in California. For the purposes of this section, the board may recognize and approve as equivalent, along with other examinations, an examination prepared by the Federation of State Medical Boards if an applicant had been licensed in another state as a result of the successful completion, prior to December 31, 1993, of that examination. In lieu of a board recognized and approved state written license examination, the board may require the applicant to successfully complete a special examination in general medicine and osteopathic principles prepared by the National Board of Osteopathic Medical Examiners, or the Osteopathic Medical Board of California. The board may also utilize a special purpose examination prepared by the Federation of State Medical Boards.

(b) The board determines that no disciplinary action has been taken against the applicant by any medical licensing authority and that the applicant has not been the subject of adverse judgments or settlements resulting from the practice of medicine that the board determines constitutes evidence of a pattern of negligence or incompetence.

SEC. 11. Section 2220.1 of the Business and Professions Code is amended to read:

2220.1. (a) (1) The director shall appoint a Medical Board of California Enforcement Program Monitor prior to March 31, 2003. The director may retain a person for this position by a personal services contract, the Legislature finding, pursuant to Section 19130 of the Government Code, that this is a new state function.

(2) The director shall supervise the enforcement program monitor and may terminate or dismiss him or her from this position.

(b) The director shall advertise the availability of this position. The requirements for this position include experience in conducting investigations and familiarity with state laws, rules, and procedures pertaining to the board and with relevant administrative procedures.

(c) (1) The enforcement program monitor shall monitor and evaluate the disciplinary system and procedures of the board, making as his or her



highest priority the reform and reengineering of the board's enforcement program and operations and the improvement of the overall efficiency of the board's disciplinary system.

(2) This monitoring duty shall be performed on a continuing basis for a period not exceeding two years from the date of the enforcement program monitor's appointment and shall include, but not be limited to, improving the quality and consistency of complaint processing and investigation, reducing the timeframes for completing complaint processing and investigation, reducing any complaint backlog, assessing the relative value to the board of various sources of complaints or information available to the board about licensees in identifying licensees who practice substandard care causing serious patient harm, assuring consistency in the application of sanctions or discipline imposed on licensees, and shall include the following areas: the accurate and consistent implementation of the laws and rules affecting discipline, appropriate application of investigation and prosecution priorities, particularly with respect to priority cases, as defined in Section 2220.05, board and Attorney General staff, defense bar, licensee, and patients' concerns regarding disciplinary matters or procedures, and the board's cooperation with other governmental entities charged with enforcing related laws and regulations regarding physicians and surgeons. The enforcement program monitor shall also evaluate the method used by investigators in the regional offices for selecting experts to review cases to determine if the experts are selected on an impartial basis and to recommend methods of improving the selection process. The enforcement program monitor shall also evaluate the effectiveness and efficiency of the board's diversion program and make recommendations regarding the continuation of the program and any changes or reforms required to assure that physicians and surgeons participating in the program are appropriately monitored and the public is protected from physicians and surgeons who are impaired due to alcohol or drug abuse or mental or physical illness.

(3) The enforcement program monitor shall exercise no authority over the board's discipline operations or staff; however, the board and its staff shall cooperate with him or her, and the board shall provide data, information, and case files as requested by the enforcement program monitor to perform all of his or her duties.

(4) The director shall assist the enforcement program monitor in the performance of his or her duties, and the enforcement program monitor shall have the same investigative authority as the director.

(d) The enforcement program monitor shall submit an initial written report of his or her findings and conclusions to the board, the department, and the Legislature no later than September 1, 2004, and be available to



make oral reports if requested to do so. The initial report shall include an analysis of the sources of information that resulted in each disciplinary action imposed since January 1, 2003, involving priority cases, as defined in Section 2220.05. The enforcement program monitor may also provide additional information to either the department or the Legislature at his or her discretion or at the request of either the department or the Legislature. The enforcement program monitor shall make his or her reports available to the public or the media. The enforcement program monitor shall make every effort to provide the board with an opportunity to reply to any facts, findings, issues, or conclusions in his or her reports with which the board may disagree.

(e) The board shall reimburse the department for all of the costs associated with the employment of an enforcement program monitor.

(f) The enforcement program monitor shall issue a final report prior to September 1, 2005. The final report shall include final findings and conclusions on the topics addressed in the initial report submitted by the monitor pursuant to subdivision (d).

(g) This section shall become inoperative on January 1, 2006, and as of January 1, 2006, shall be repealed, unless a later enacted statute, which is enacted before January 1, 2006, deletes or extends the dates on which it becomes inoperative and is repealed.

SEC. 12. Section 2531 of the Business and Professions Code is amended to read:

2531. There is in the Department of Consumer Affairs a Speech-Language Pathology and Audiology Board in which the enforcement and administration of this chapter is vested. The Speech-Language Pathology and Audiology Board shall consist of nine members, three of whom shall be public members.

This section shall become inoperative on July 1, 2006, and, as of January 1, 2007, is repealed, unless a later enacted statute, that becomes effective on or before January 1, 2007, deletes or extends the inoperative and repeal dates.

SEC. 13. Section 3010.1 of the Business and Professions Code is amended to read:

3010.1. (a) There is in the Department of Consumer Affairs a State Board of Optometry in which the enforcement of this chapter is vested. The board consists of 11 members, five of whom shall be public members.

Six members of the board shall constitute a quorum.

(b) The board shall, with respect to conducting investigations, inquiries, and disciplinary actions and proceedings, have the authority previously vested in the board as created pursuant to Section 3010. The board may enforce any disciplinary actions undertaken by that board.



(c) This section shall remain in effect only until July 1, 2006, and, as of January 1, 2007, is repealed, unless a later enacted statute, that is enacted before January 1, 2007, deletes or extends that date.

SEC. 14. Section 3014.6 of the Business and Professions Code is amended to read:

3014.6. (a) The board may appoint a person exempt from civil service who shall be designated as an executive officer and who shall exercise the powers and perform the duties delegated by the board and vested in him or her by this chapter.

(b) This section shall become inoperative on July 1, 2006, and, as of January 1, 2007, is repealed, unless a later enacted statute, that is enacted before January 1, 2007, deletes or extends the dates on which it becomes inoperative and is repealed.

SEC. 15. Section 6732 of the Business and Professions Code is amended to read:

6732. It is unlawful for anyone other than a professional engineer licensed under this chapter to stamp or seal any plans, specifications, plats, reports, or other documents with the seal or stamp of a professional engineer, or in any manner, use the title “professional engineer,” “licensed engineer,” “registered engineer,” or “consulting engineer,” or any of the following branch titles: “agricultural engineer,” “chemical engineer,” “civil engineer,” “control system engineer,” “electrical engineer,” “fire protection engineer,” “industrial engineer,” “mechanical engineer,” “metallurgical engineer,” “nuclear engineer,” “petroleum engineer,” or “traffic engineer,” or any combination of these words and phrases or abbreviations thereof unless licensed under this chapter.

SEC. 16. Section 6732.3 of the Business and Professions Code is amended to read:

6732.3. (a) Any person who has received from the board a registration or license in corrosion, manufacturing, quality, or safety engineering, and who holds a valid registration or license to practice professional engineering under this chapter, may continue to use the branch title of the branch in which the professional engineer is legally registered. A person holding a registration in corrosion, manufacturing, quality, or safety engineering is subject to the registration or license renewal provisions of this chapter.

(b) The professional engineer also may continue to use the title of “professional engineer,” “licensed engineer,” “registered engineer,” or “consulting engineer.”

SEC. 17. Section 6732.4 of the Business and Professions Code is amended to read:



6732.4. (a) Notwithstanding any other provision of law, any person who has applied for registration as a corrosion, quality, or safety engineer, and who has completed the written examination in one or more of these branch titles prior to January 1, 1999, shall be issued a registration in the branch title for which the applicant was examined, provided that he or she has met all other qualifications for registration. The board shall not administer any examination for registration as a corrosion, quality, or safety engineer on or after January 1, 1999.

(b) Notwithstanding any other provision of law, any person who has applied for registration as a manufacturing engineer, and who has completed the written examination for this branch title prior to January 1, 2004, shall be issued a registration as a manufacturing engineer, provided that he or she has met all other qualifications for registration. The board shall not administer any examination for registration as a manufacturing engineer on or after January 1, 2004.

SEC. 18. Section 7153.1 of the Business and Professions Code is amended to read:

7153.1. (a) The home improvement salesperson shall submit to the registrar an application in writing containing the statement that he or she desires the issuance of a registration under the terms of this article.

The application shall be made on a form prescribed by the registrar and shall be accompanied by the fee fixed by this chapter.

(b) The registrar may refuse to register the applicant under the grounds specified in Section 480.

(c) As part of an application for a home improvement salesperson, the board shall require an applicant to furnish a full set of fingerprints for purposes of conducting criminal history record checks. Fingerprints furnished pursuant to this subdivision shall be submitted in an electronic format where readily available. Requests for alternative methods of furnishing fingerprints are subject to the approval of the registrar. The board shall use the fingerprints furnished by an applicant to obtain criminal history information on the applicant from the Department of Justice and the United States Federal Bureau of Investigation, including any subsequent arrest information available. This subdivision shall become operative on July 1, 2004.

SEC. 19. Section 94779.1 is added to the Education Code, to read:

94779.1. (a) The bureau shall work together with the staff of the Joint Legislative Sunset Review Committee, along with representatives of regulated institutions, the California Postsecondary Education Commission, the California Student Aid Commission, students, and other interested parties to revise this chapter to streamline its provisions and eliminate contradictions, redundancies, ambiguities, conflicting provisions, and unnecessary provisions, including consideration of



having accreditation by the United States Department of Education approved regional accrediting bodies replace some of the bureau's approval requirements of degree-granting institutions, educational programs, and instructors. In addition, the bureau, in conjunction with these various entities, shall evaluate the provisions of this chapter to determine what additional changes are advisable to improve the effectiveness of the state's regulation of private postsecondary and vocational education, including, but not limited to, the need to regulate out-of-state postsecondary institutions that offer educational programs to California students via the Internet and the feasibility of that regulation, and the type and timeliness of information required to be provided to the bureau.

(b) The bureau shall objectively assess the cost of meeting its statutory obligations, determine the staffing necessary to meet those obligations, determine whether the current fee structure allows for collection of revenue sufficient to support the necessary staffing, and report that information to the Director of Consumer Affairs and the Joint Legislative Sunset Review Committee by October 1, 2004.

(c) The bureau shall continue to make additional improvements to its data collection and dissemination systems so that it will provide improved reporting of information regarding the private postsecondary and vocational education sector, and improved monitoring of reports, initial and renewal applications, complaint and enforcement records, and collection of fees among other information necessary to serve the bureau's wide-ranging data management needs effectively.

SEC. 20. Section 94779.3 is added to the Education Code, to read:

94779.3. (a) The bureau shall establish an expanded outreach program for prospective and current private postsecondary and vocational education students and high school students, to provide them with information on how best to select postsecondary or vocational schools, how to enter into contracts and student enrollment agreements, how to protect themselves in the postsecondary and vocational education marketplace, and how to contact the bureau for assistance if problems arise.

(b) Notwithstanding subdivision (a), the bureau may not establish an expanded outreach program pursuant to that subdivision until the occurrence of the following events:

(1) The bureau reports to the Director of Consumer Affairs and to the Joint Legislative Sunset Review Committee on its fee structure and revenues pursuant to subdivision (b) of Section 94779.1.

(2) The Director of Consumer Affairs makes findings after submittal of that report that the bureau has sufficient revenues to meet its current



obligations and that the cost of an outreach program will not further jeopardize the bureau's ability to meet those obligations.

(3) The director reports those findings to the committee.

SEC. 21. Section 94779.4 is added to the Education Code, to read:

94779.4. The bureau shall report to the Legislature, no later than October 1, 2003, on its progress in accomplishing the corrective actions necessary to resolve the deficiencies found in the audit performed by the department's Internal Audit Office, and any remaining deficiencies found in the 2000 audit by the Bureau of State Audits. In particular, the bureau shall report on the status and timeliness of its complaint and enforcement, and application and renewal processes and procedures, the condition of the Student Tuition Recovery Fund and the status of any claims thereon, the status and timeliness of its various approval or registration processes, the status and capabilities of its data processing and dissemination system, its outreach efforts to current and prospective private postsecondary and vocational education students, and any recommendations for improvement to its operations, including any recommendations regarding revisions to this chapter.

SEC. 22. Section 94990 of the Education Code is amended to read:

94990. The bureau is subject to the sunset review process conducted by the Joint Legislative Sunset Review Committee pursuant to Division 1.2 (commencing with Section 473) of the Business and Professions Code. Notwithstanding that this chapter does not specify that it will become inoperative on a specified date, the analyses, reports, public hearings, evaluations, and determinations required to be prepared, conducted, and made pursuant to Division 1.2 (commencing with Section 473) of the Business and Professions Code shall be prepared, conducted, and made in 2002 and every four years thereafter as long as this chapter is operative.

SEC. 23. Section 9148.8 of the Government Code is amended to read:

9148.8. (a) The Committee on Rules of either house of the Legislature, acting pursuant to a request from the chairperson of the appropriate policy committee, may direct the Joint Legislative Sunset Review Committee to evaluate a plan prepared pursuant to Section 9148.4 or 9148.6.

(b) Evaluations prepared by the Joint Legislative Sunset Review Committee pursuant to this section shall be provided to the respective Committee on Rules and the policy and fiscal committees of the Legislature pursuant to rules adopted by each committee for this purpose.

SEC. 24. Section 9148.10 of the Government Code is repealed.



SEC. 25. Article 8.5 (commencing with Section 9148.50) is added to Chapter 1.5 of Part 1 of Division 2 of Title 2 of the Government Code, to read:

Article 8.5. Legislative Review of State Boards

9148.50. The Legislature finds and declares all of the following:

(a) California's multilevel, complex governmental structure today contains more than 400 categories of administrative or regulatory boards, commissions, committees, councils, associations, and authorities.

(b) These administrative or regulatory boards, commissions, committees, councils, associations, and authorities have been established without any method of periodically reviewing their necessity, effectiveness, or utility.

(c) As a result, the Legislature and residents of California cannot be assured that existing or proposed administrative or regulatory boards, commissions, committees, councils, associations, and authorities adequately protect the public health, safety, and welfare.

9148.51. (a) It is the intent of the Legislature that all existing and proposed state boards be subject to review every four years to evaluate and determine whether each has demonstrated a public need for its continued existence in accordance with enumerated factors and standards as set forth in Chapter 2 (commencing with Section 474) of Division 1.2 of the Business and Professions Code.

(b) In the event that any state board becomes inoperative or is repealed in accordance with the act that added this section, any provision of existing law that provides for the appointment of board members and specifies the qualifications and tenure of board members shall not be implemented and shall have no force or effect while that state board is inoperative or repealed.

(c) Any provision of law authorizing the appointment of an executive officer by a state board subject to the review described in Chapter 2 (commencing with Section 474) of Division 1.2 of the Business and Professions Code, or prescribing his or her duties, shall not be implemented and shall have no force or effect while the applicable state board is inoperative or repealed.

(d) It is the intent of the Legislature that subsequent legislation to extend or repeal the inoperative date for any state board shall be a separate bill for that purpose.

9148.52. (a) The Joint Legislative Sunset Review Committee established pursuant to Section 473 of the Business and Professions Code shall review all state boards, as defined in Section 9148.2, other

than a board subject to review pursuant to Chapter 1 (commencing with Section 473) of Division 1.2 of the Business and Professions Code, every four years.

(b) The committee shall evaluate and make determinations pursuant to Chapter 2 (commencing with Section 474) of Division 1.2 of the Business and Professions Code.

SEC. 26. Section 1095 of the Unemployment Insurance Code is amended to read:

1095. The director shall permit the use of any information in his or her possession to the extent necessary for any of the following purposes and may require reimbursement for all direct costs incurred in providing any and all information specified in this section, except information specified in subdivisions (a) to (e), inclusive:

(a) To enable the director or his or her representative to carry out his or her responsibilities under this code.

(b) To properly present a claim for benefits.

(c) To acquaint a worker or his or her authorized agent with his or her existing or prospective right to benefits.

(d) To furnish an employer or his or her authorized agent with information to enable him or her to fully discharge his or her obligations or safeguard his or her rights under this division or Division 3 (commencing with Section 9000).

(e) To enable an employer to receive a reduction in contribution rate.

(f) To enable federal, state, or local government departments or agencies, subject to federal law, to verify or determine the eligibility or entitlement of an applicant for, or a recipient of, public social services provided pursuant to Division 9 (commencing with Section 10000) of the Welfare and Institutions Code, or Part A of Title IV of the Social Security Act, where the verification or determination is directly connected with, and limited to, the administration of public social services.

(g) To enable county administrators of general relief or assistance, or their representatives, to determine entitlement to locally provided general relief or assistance, where the determination is directly connected with, and limited to, the administration of general relief or assistance.

(h) To enable state or local governmental departments or agencies to seek criminal, civil, or administrative remedies in connection with the unlawful application for, or receipt of, relief provided under Division 9 (commencing with Section 10000) of the Welfare and Institutions Code or to enable the collection of expenditures for medical assistance services pursuant to Part 5 (commencing with Section 17000) of Division 9 of the Welfare and Institutions Code.



(i) To provide any law enforcement agency with the name, address, telephone number, birth date, social security number, physical description, and names and addresses of present and past employers, of any victim, suspect, missing person, potential witness, or person for whom a felony arrest warrant has been issued, when a request for this information is made by any investigator or peace officer as defined by Sections 830.1 and 830.2 of the Penal Code, or by any federal law enforcement officer to whom the Attorney General has delegated authority to enforce federal search warrants, as defined under Sections 60.2 and 60.3 of Title 28 of the Code of Federal Regulations, as amended, and when the requesting officer has been designated by the head of the law enforcement agency and requests this information in the course of and as a part of an investigation into the commission of a crime when there is a reasonable suspicion that the crime is a felony and that the information would lead to relevant evidence. The information provided pursuant to this subdivision shall be provided to the extent permitted by federal law and regulations, and to the extent the information is available and accessible within the constraints and configurations of existing department records. Any person who receives any information under this subdivision shall make a written report of the information to the law enforcement agency that employs him or her, for filing under the normal procedures of that agency.

(1) This subdivision shall not be construed to authorize the release to any law enforcement agency of a general list identifying individuals applying for or receiving benefits.

(2) The department shall maintain records pursuant to this subdivision only for periods required under regulations or statutes enacted for the administration of its programs.

(3) This subdivision shall not be construed as limiting the information provided to law enforcement agencies to that pertaining only to applicants for, or recipients of, benefits.

(4) The department shall notify all applicants for benefits that release of confidential information from their records will not be protected should there be a felony arrest warrant issued against the applicant or in the event of an investigation by a law enforcement agency into the commission of a felony.

(j) To provide public employee retirement systems in California with information relating to the earnings of any person who has applied for or is receiving a disability income, disability allowance, or disability retirement allowance, from a public employee retirement system. The earnings information shall be released only upon written request from the governing board specifying that the person has applied for or is receiving a disability allowance or disability retirement allowance from



its retirement system. The request may be made by the chief executive officer of the system or by an employee of the system so authorized and identified by name and title by the chief executive officer in writing.

(k) To enable the Division of Labor Standards Enforcement in the Department of Industrial Relations to seek criminal, civil, or administrative remedies in connection with the failure to pay, or the unlawful payment of, wages pursuant to Chapter 1 (commencing with Section 200) of Part 1 of Division 2 of, and Chapter 1 (commencing with Section 1720) of Part 7 of Division 2 of, the Labor Code.

(l) To enable federal, state, or local governmental departments or agencies to administer child support enforcement programs under Title IV of the Social Security Act (42 U.S.C. Sec. 651 et seq.).

(m) To provide federal, state, or local governmental departments or agencies with wage and claim information in its possession that will assist those departments and agencies in the administration of the Victims of Crime Program or in the location of victims of crime who, by state mandate or court order, are entitled to restitution that has been or can be recovered.

(n) To provide federal, state, or local governmental departments or agencies with information concerning any individuals who are or have been:

(1) Directed by state mandate or court order to pay restitution, fines, penalties, assessments, or fees as a result of a violation of law.

(2) Delinquent or in default on guaranteed student loans or who owe repayment of funds received through other financial assistance programs administered by those agencies. The information released by the director for the purposes of this paragraph shall not include unemployment insurance benefit information.

(o) To provide an authorized governmental agency with any or all relevant information that relates to any specific workers' compensation insurance fraud investigation. The information shall be provided to the extent permitted by federal law and regulations. For the purposes of this subdivision, "authorized governmental agency" means the district attorney of any county, the office of the Attorney General, the Department of Industrial Relations, and the Department of Insurance. An authorized governmental agency may disclose this information to the State Bar, the Medical Board of California, or any other licensing board or department whose licensee is the subject of a workers' compensation insurance fraud investigation. This subdivision shall not prevent any authorized governmental agency from reporting to any board or department the suspected misconduct of any licensee of that body.

(p) To enable the Director of the Bureau for Private Postsecondary and Vocational Education, or his or her representatives, to access



unemployment insurance quarterly wage data on a case-by-case basis to verify information on school administrators, school staff, and students provided by those schools who are being investigated for possible violations of Chapter 7 (commencing with Section 94700) of Part 59 of the Education Code.

(q) To provide employment tax information to the tax officials of Mexico, if a reciprocal agreement exists. For purposes of this subdivision, “reciprocal agreement” means a formal agreement to exchange information between national taxing officials of Mexico and taxing authorities of the State Board of Equalization, the Franchise Tax Board, and the Employment Development Department. Furthermore, the reciprocal agreement shall be limited to the exchange of information that is essential for tax administration purposes only. Taxing authorities of the State of California shall be granted tax information only on California residents. Taxing authorities of Mexico shall be granted tax information only on Mexican nationals.

(r) To enable city and county planning agencies to develop economic forecasts for planning purposes. The information shall be limited to businesses within the jurisdiction of the city or county whose planning agency is requesting the information, and shall not include information regarding individual employees.

(s) To provide the State Department of Developmental Services with wage and employer information that will assist in the collection of moneys owed by the recipient, parent, or any other legally liable individual for services and supports provided pursuant to Chapter 9 (commencing with Section 4775) of Division 4.5 of, and Chapter 2 (commencing with Section 7200) and Chapter 3 (commencing with Section 7500) of Division 7 of, the Welfare and Institutions Code.

(t) Nothing in this section shall be construed to authorize or permit the use of information obtained in the administration of this code by any private collection agency.

(u) The disclosure of the name and address of an individual or business entity that was issued an assessment that included penalties under Section 1128 or 1128.1 shall not be in violation of Section 1094 if the assessment is final. The disclosure may also include any of the following:

- (1) The total amount of the assessment.
- (2) The amount of the penalty imposed under Section 1128 or 1128.1 that is included in the assessment.
- (3) The facts that resulted in the charging of the penalty under Section 1128 or 1128.1.



(v) To enable the Contractors' State License Board to verify the employment history of an individual applying for licensure pursuant to Section 7068 of the Business and Professions Code.

(w) To provide any peace officer with the Division of Investigation in the Department of Consumer Affairs information pursuant to subdivision (i) when the requesting peace officer has been designated by the Chief of the Division of Investigations and requests this information in the course of and in part of an investigation into the commission of a crime or other unlawful act when there is reasonable suspicion to believe that the crime or act may be connected to the information requested and would lead to relevant information regarding the crime or unlawful act.

